

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

RUFUS LEE KING, JR.,)	
)	
Petitioner,)	CIVIL ACTION NO.: CV214-046
)	
v.)	
)	
UNITED STATES OF AMERICA,)	(Case No.: CR210-4)
)	
Respondent.)	

ORDER

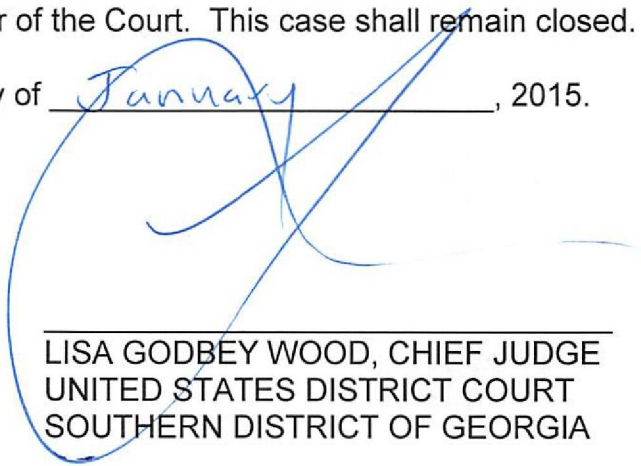
Presently before the Court is the motion filed by Rufus King ("King") to Alter or Amend the undersigned's Order dated November 5, 2014. In that Order, the undersigned adopted the recommendation of the Magistrate Judge, to which no objections were filed. The Government filed a Response to the Motion.

A Federal Rule of Civil Procedure 59(e) motion is "an extraordinary remedy, to be employed sparingly." Smith ex rel. Smith v. Augusta-Richmond Cnty., No. CV 110-126, 2012 WL 1355575, at *1 (S.D. Ga. Apr. 18, 2012) (internal citation omitted). "A movant must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision." Id. (internal citation omitted). "The only grounds for granting a Rule 59 motion are newly-discovered evidence or manifest errors of law or fact." Jacobs v. Tempur-Pedic Intern., Inc., 626 F.3d 1327, 1344 (11th Cir. 2010) (quoting In re Kellogg, 197 F.3d 1116, 1119 (11th Cir. 1999) (internal punctuation omitted). "A Rule

59(e) motion cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment.” Id. (quoting Michael Linet, Inc. v. Village of Wellington, Fla., 408 F.3d 757, 763 (11th Cir. 2005) (alterations omitted).

Any objections to the Magistrate Judge’s Report and Recommendation were to be filed on or before October 27, 2014. (Doc. No. 23). King received this Report and Recommendation and its accompanying service order on October 21, 2014. (Doc. No. 28, p. 1). King’s counsel failed to file any Objections, and the undersigned dismissed King’s 28 U.S.C. § 2255 motion as untimely filed on November 5, 2014. A review of King’s Motion fails to reveal any reason for the undersigned to disturb the judgment of the Court. King’s Motion is **DENIED** at this time. The undersigned’s Order dated November 5, 2014, remains the Order of the Court. This case shall remain closed.

SO ORDERED, this 16 day of January, 2015.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA